

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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**VICKIE STOUT,**

**Plaintiff,**

**v.**

**WAL-MART STORES EAST, LP, and  
WALMART,**

**Defendants.**

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**No.** \_\_\_\_\_

**JURY DEMANDED**

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**NOTICE OF REMOVAL**

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COME NOW the Defendants, Wal-Mart Stores East, LP, and Walmart (collectively referred to hereinafter as the “Walmart entities”), by and through the undersigned counsel, and hereby give notice of removal of the above-captioned cause from the Circuit Court of McNairy County, Tennessee, to the United States District Court for the Western District of Tennessee, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446(b). As grounds for removal, the Walmart entities state as follows:

**Background**

1. On July 12, 2022, Plaintiff Vickie Stout filed a civil action against the Walmart entities in the Circuit Court of McNairy County, Tennessee, bearing Case No. 2022–CV–20. (*See* Pl.’s Compl.).

2. In the Complaint, Plaintiff asserts a negligence claim against the Walmart entities based upon an incident that allegedly occurred on or about July 26, 2021 while on the premises of a Walmart store located at 1017 Mulberry Avenue, Selmer, McNairy County, Tennessee 38375.

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(See Pl.’s Compl., ¶¶5–36).

3. The Walmart entities were each served with copies of the Summons and Complaint through their registered agent, CT Corporation, on July 21, 2022.

4. The Walmart entities seek removal of this action to this Court pursuant to 28 U.S.C. § 1332, based upon grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds \$75,000.00, exclusive of the interest and costs.

5. Plaintiff commenced this action in the Circuit Court of McNairy County, Tennessee, which is within the territorial jurisdiction of the United States District Court for the Western District of Tennessee, Eastern Division. See 28 U.S.C. 123(c)(1). Accordingly, removal to this Court is proper. See 28 U.S.C. § 1441(a).

### **Diversity of Citizenship**

#### Plaintiff

6. As alleged in her Complaint, “Plaintiff, Vickie Stout, is a citizen and resident of Tennessee.” (Pl.’s Compl., ¶1).

#### Walmart Entities

7. Plaintiff named “Wal-Mart Stores East, LP” and “Walmart” as Defendants in this action. “Wal-Mart Stores East, LP” is the legal entity responsible for operating the Walmart store identified and described by Plaintiff’s Complaint as the location where the subject incident occurred. “Walmart” is not a legal entity subject to suit. Instead, it appears that Plaintiff intended to name “Walmart Inc.” which is the ultimate parent company for “Wal-Mart Stores East, LP.”

8. Wal-Mart Stores East, LP, is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.<sup>1</sup> The sole general partner of Wal-Mart Stores East, LP is

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<sup>1</sup> For purposes of determining citizenship under 28 U.S.C. § 1332(c)(1), a limited partnership is deemed to be a citizen of every state where its general and limited partners reside. See Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077,

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WSE Management, LLC, a Delaware limited liability company with its principal place of business in Bentonville, Arkansas. The sole limited partner of Wal-Mart Stores East, LP is WSE Investment, LLC, a Delaware limited liability company with its principal place of business in Bentonville, Arkansas.<sup>2</sup> The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company with its principal place of business in Bentonville, Arkansas. The sole member of Wal-Mart Stores East, LLC, is Walmart Inc. which, as noted above, is a Delaware corporation with its principal place of business in Bentonville, Arkansas. Accordingly, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP is a citizen of Delaware and Arkansas.

9. Walmart Inc. is a Delaware corporation with its principal place of business in Arkansas. Accordingly, for purposes of diversity jurisdiction, Walmart Inc. is a citizen of Delaware and Arkansas.

#### **Amount in Controversy**

10. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Specifically, Plaintiff's Complaint demands a judgment in an amount "not to exceed the sum of \$10,000,000." [See Pl.'s Compl., p. 8, ¶4].

#### **Procedural Compliance**

11. The Walmart entities filed this Notice of Removal within the time prescribed by 28 U.S.C. § 1446(b).

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1079 (5th Cir. 2008) (citing Carden v. Arkoma Assocs., 494 U.S. 185, 195–96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990)).

<sup>2</sup> For purposes of determining citizenship under 28 U.S.C. § 1332(c)(1), a limited liability company is deemed to be a citizen of every state where its members reside. See Delay v. Rosenthal Collins Grp., LLC, 585 F.3d 1003, 1005 (6th Cir. 2009). Since "a member of a limited liability company may itself have multiple members—and thus may itself have multiple citizenships—the federal court needs to know the citizenship of each 'sub-member' as well." Id. (citing Hicklin Eng'g L.C. v. Bartell, 439 F.3d 346, 347–48 (7th Cir. 2006)).

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12. The Walmart entities have provided a copy of this Notice of Removal to all adverse parties and to the Clerk of the Circuit Court of McNairy County, Tennessee, in accordance with 28 U.S.C. § 1446(d).

13. Copies of the Summons and Complaint served upon the Walmart entities, being all the papers contained in the state court action, are attached collectively as an Exhibit hereto in accordance with 28 U.S.C. §§ 1446(a) and 1447(b).

14. The Walmart entities reserve the right to supplement or amend this Notice of Removal as necessary and appropriate.

WHEREFORE, based on the foregoing, the Walmart entities give notice that the civil action, bearing Case No. 2022–CV–20, is hereby removed from the Circuit Court of McNairy County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, PLC

By: /s/ Brandon W. Reedy  
BRANDON W. REEDY (BPR No. 30314)  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing pleading was served by mailing postage prepaid and/or by electronic means, to the following:

Kyle Livingston Peiter (BPR No. 38820)  
LAW OFFICE OF KYLE PEITER, PLLC  
***Attorney for Plaintiff***  
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[kyle@injuredtennessee.com](mailto:kyle@injuredtennessee.com)

This the 8th day of August, 2022.

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*/s/ Brandon W. Reedy*